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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,302	01/26/2004	Glen R. Chartier	RTEE 2 13410-1	8267
7590	07/09/2004		EXAMINER	
E. Kent Daniels, Jr. Fay, Sharpe, Fagan, Minnich & McKee, LLP Seventh Floor 1100 Superior Avenue Cleveland, OH 44114			MEISLIN, DEBRA S	
			ART UNIT	PAPER NUMBER
			3723	
			DATE MAILED: 07/09/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/764,302	CHARTIER ET AL.	
	Examiner	Art Unit	
	Debra S Meislin	3723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 26 January 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,4 and 7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,4 and 7 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/26/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 4, and 7 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Gunnarson.

Gunnarson discloses the claimed subject matter as was set forth in the parent application with reference to attachment "A".

Attachment "A" is an enlargement of figure 1 of Gunnarson. The plurality of teeth are shown as lying along the fixed jaw "B". The blue markings show at least three of the plurality of discrete teeth wherein each discrete tooth is for engaging one of a plurality of workpieces having different diameters. The remaining discrete teeth lie between teeth "1" and "2" and between teeth "2" and "3". Teeth are located between adjacent ones of the discrete teeth (the teeth between the discrete teeth that do not engage a workpiece) since not all of the teeth engage a workpiece. Note that Gunnarson discloses nine workpieces and twenty teeth on the fixed jaw. Gunnarson discloses the camming angles as marked in red for at least three of the discrete teeth with corresponding workpieces.

Additionally, Gunnarson discloses "said teeth including a plurality of discrete teeth, each discrete tooth being for providing single tooth contact with a different one of a plurality of cylindrical workpieces" and "just the one said plurality of discrete teeth provided on said fixed jaw for the workpiece of a given diameter". The discrete teeth are shown in attachment "A" (previously sent to applicant in the parent application and attached to the preliminary amendment filed January 6, 2004 in the instant application), wherein there is single tooth contact (by either tooth 1, tooth 2, or tooth 3) of the discrete teeth provided for contact with a different one of a plurality of cylindrical workpieces and just one (tooth 1, tooth 2, or tooth 3) of said plurality of discrete teeth provided on said fixed jaw for the

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workpiece of a given diameter. The remaining teeth in Gunnarson define the teeth between adjacent ones of the discrete teeth. This is similar to applicant's invention wherein teeth "50" also engage the workpiece.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference character(s) mentioned in the description: "CA". Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. Applicant's arguments filed January 6, 2004 have been fully considered but they are not persuasive.

The claims read on the Gunnarson reference as set forth in paragraph 2, above.

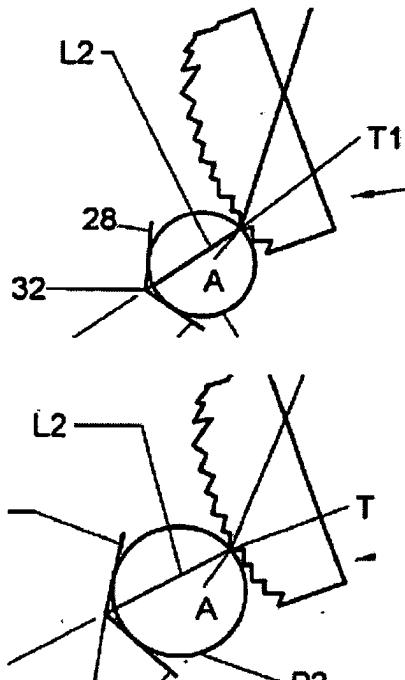
The discrete teeth are shown in attachment "A" (previously sent to applicant in the parent application and attached to the preliminary amendment filed January 6, 2004 in the instant application), wherein there is single tooth contact (by either tooth 1, tooth 2, or tooth 3) of the discrete teeth provided for contact with a different one of a plurality of cylindrical workpieces and just one (tooth 1, tooth 2, or tooth 3) of said plurality of discrete teeth provided on said fixed jaw for the workpiece of a given diameter. The remaining teeth in Gunnarson define the teeth between adjacent ones of the discrete teeth. This is similar to applicant's invention wherein teeth "50" also engage the workpiece.

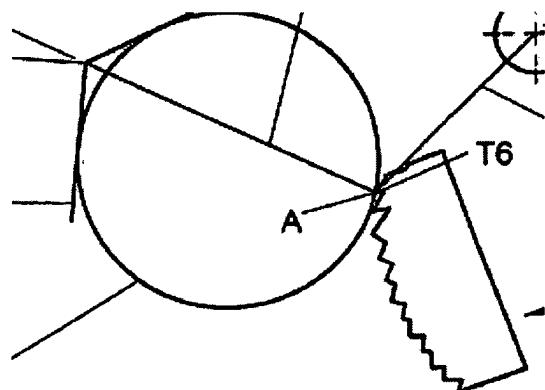
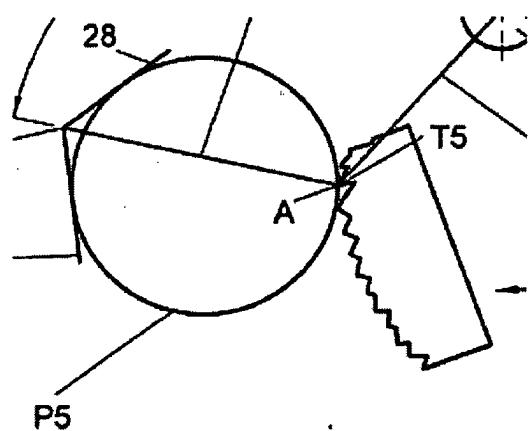
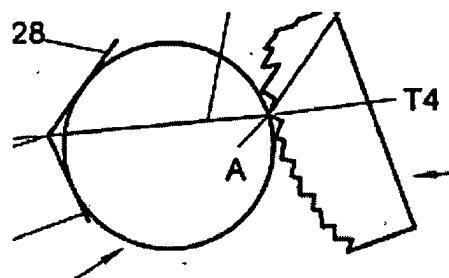
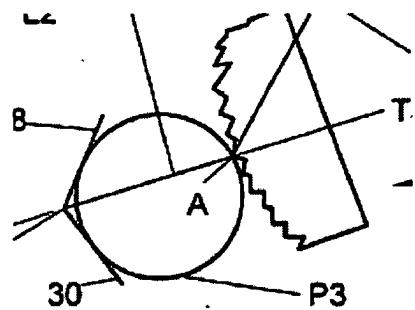
Applicant appears to be arguing that Gunnarson discloses plural teeth engaging the workpiece and not a single tooth. It is noted that applicant's invention also discloses

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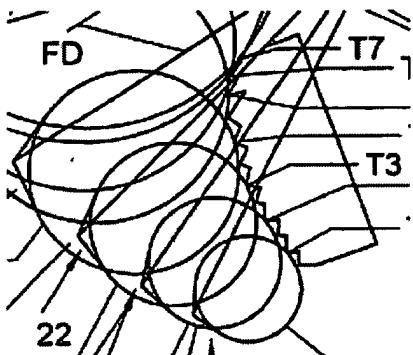
plural teeth that engage the workpiece, wherein one of the teeth includes a discrete tooth. Note figures 6A-F and figure 7, below, of the instant application wherein a discrete tooth and an additional tooth engages the workpiece just as the teeth of Gunnarson do. Page 5, lines 13-17 of the instant application also defines discrete teeth and additional teeth to promote gripping.

15 T7 also accommodates gripping a 1-1/2 inch pipe fitting. While it is not necessary to provide any additional teeth on jaw member 18 other than the discrete teeth T1-T7, it is preferred to provide additional teeth 50 between adjacent ones of the discrete teeth T1-T5 to promote the gripping capability of the wrench with regard to pipe fittings, rod and other objects and workpieces in addition to the series of pipes. While reference herein is with regard to the foregoing nominal pipe sizes, it





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It is noted that the specification of Gunnarson need not define a plurality of discrete teeth since the drawings clearly disclose such teeth as set forth, above. Teachings may be found in any portion of the disclosure including the specification, the abstract, the drawings, and the claims.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Debra S Meislin whose telephone number is 703 308-3671. The examiner can normally be reached on M-F, alt. Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on 703 308-2687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Debra S Meislin
Primary Examiner
Art Unit 3723

July 7, 2004